

Remarks

The Objection to the Specification

The Office Action objects to the specification because the DNA sequences in Figures 3 and 4 are identified with accession numbers rather than sequence identifiers. The descriptions of these figures have been amended to refer to sequence identifiers. Applicants respectfully request withdrawal of the objection.

The Rejection of Claim 52 Under 35 U.S.C. § 112, second paragraph

Claim 52 is rejected under 35 U.S.C. § 112, second paragraph, as lacking “a conclusion step.” Claim 52 has been amended as suggested in the Office Action.

Applicants respectfully request withdrawal of the rejection.

The Rejection of Claims 1, 43, 45, and 48-54 Under 35 U.S.C. § 102(a)

Claims 1, 43, 45, and 48-54 stand rejected under 35 U.S.C. § 102(a) over Tang.¹ Applicants respectfully traverse the rejection.

The present application claims priority to provisional application Serial No. 60/250,083 filed November 29, 2000. The provisional application discloses the subject matter of claims 1, 43, 45, and 48-51. The publication date of Tang is September 20, 2000, less than one year before the provisional application’s filing date. A declaration of inventor Li Mao accompanies this response. Dr. Mao’s declaration explains that Tang describes Dr. Mao’s own work and that none of Dr. Mao’s co-authors contributed to the conception of the present invention. Because

¹ Tang *et al.*, *J. Natl. Cancer Institute* 92, 1511-16, September 20, 2000.

Tang describes Dr. Mao's own work, Tang does not qualify as a reference against claims 1, 43, 45, and 48-54 under 35 U.S.C. §102(a).

Applicants respectfully request withdrawal of the rejection.

The Rejections Under 35 U.S.C. § 103(a)

The Office Action contains two rejections under 35 U.S.C. § 103(a):

- claims 1, 46, 47, 55, and 56 over Tang; and
- claims 1, 43, and 44 over Tang in view of Field²

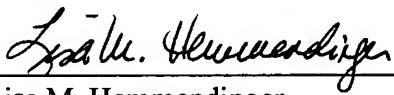
Applicants respectfully traverse the rejections.

Both rejections rely on Tang as a primary reference. As discussed above, however, Tang cannot be used as a reference against the pending claims.

Applicants respectfully request withdrawal of the rejection.

Respectfully submitted,
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Date: May 16, 2005

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² Field *et al.*, *Proc. Ann. Meet. Am. Assoc. Cancer Res.* 38, abstract, 1997.